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September 27, 2011

By ECF

Honorable Sandra L. Townes
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Allstate Insurance Company v. Vivianne Etienne, MD, et al.
Docket No. CV 09-3582 (SLT)(RLM)


Dear Judge Townes:

I write on behalf of Plaintiff, Allstate Insurance Company ("Allstate") and with the consent of counsel for the Defendants, Richard Dominick Berardi, Jr., D.O., Arco Medical NY, P.C. and Neomy Medical, P.C. (the "Berardi Defendants") to request that the Court schedule a pre-trial conference in accordance with Section IV of Your Honor's Individual Rules. The date for filing letters requesting permission to move for summary judgment has passed, and neither Allstate nor the Berardi Defendants have made such a request. Based on my conversation with Your Honor's chambers from this afternoon, it is our understanding that the date set by Magistrate-Judge Mann to file a joint pre-trial order in this matter (October 5, 2011) is suspended and that the Court will set the actual filing date and outline the requirements at the pre-trial conference.

The Court's attention to this request is appreciated.

Respectfully submitted,

RIVKIN RADLER LLP



Barry I. Levy (BL 2190)

cc: Matthew Conroy, Esq. (by ECF)
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